

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOSEPH X. SMITH, )  
Plaintiff, )  
v. ) No. 4:15-CV-1297 RLW  
JULIE INMAN, et al., )  
Defendants, )

## **MEMORANDUM AND ORDER**

This matter is before the Court on remand from the Court of Appeals to calculate and collect the appellate filing fees under 28 U.S.C. § 1915(b). The Court is unable to fully comply with the remand.

The Court cannot calculate an initial partial filing fee under § 1915(b) because plaintiff is not a prisoner. He is a civil detainee in the Missouri Department of Mental Health. As a result, the Court will order plaintiff either to pay the full amount of the appellate filing fee or to file a motion for leave to proceed in forma pauperis in the Court of Appeals.

Accordingly,

**IT IS HEREBY ORDERED** that, no later than fourteen (14) days from the date of this Order, plaintiff must either pay the \$505 appellate filing fee or file a

motion for leave to proceed in forma pauperis in the Court of Appeals for the Eighth Circuit.

**IT IS FURTHER ORDERED** that the Clerk is directed to forward a copy of this Order to the Court of Appeals.

Dated this 21<sup>st</sup> day of June, 2016.

  
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RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE